

IC 20-8.1-3

Chapter 3. Compulsory School Attendance

IC 20-8.1-3-1

Legislative intent

Sec. 1. Legislative Intent. The legislative intent for this chapter is to provide an efficient and speedy means of insuring that children receive a proper education whenever it is reasonably possible.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-2

Application

Sec. 2. This chapter applies to each situation which involves any of the following:

- (1) A person less than eighteen (18) years of age who is domiciled in Indiana.
- (2) A person less than eighteen (18) years of age who is not domiciled in Indiana and who intends to remain in Indiana for a period of time as established by rule of the Indiana state board of education.
- (3) A student:
 - (A) who is less than eighteen (18) years of age;
 - (B) whose behavior has resulted in an expulsion from school; and
 - (C) who is assigned to attend an alternative school or an alternative educational program.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1976, P.L.101, SEC.5; P.L.20-1984, SEC.86; P.L.131-1995, SEC.8.

IC 20-8.1-3-3

Separate attendance district; requirement

Sec. 3. Separate Attendance District; Requirement. Every school corporation having an average daily attendance of fifteen hundred (1,500) or more school children shall constitute a separate attendance district.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-4

Attendance officers; appointment in completely reorganized counties

Sec. 4. Attendance Officers; Appointment in Completely Reorganized Counties. In a county which has been completely reorganized into one or more school corporations under IC 1971, 20-4-1, the governing body of each school corporation with fifteen hundred (1,500) or more pupils in average daily attendance shall appoint an attendance officer. The governing body of each school corporation which has less than fifteen hundred (1,500) pupils in average daily attendance may appoint an attendance officer. If the governing body of a school corporation which has discretion in whether or not to appoint an attendance officer declines to make an

appointment, the superintendent of the school corporation shall serve as ex officio attendance officer under section 7 of this chapter.

When the governing body of a school corporation makes an appointment under this section, it shall appoint an individual nominated by the superintendent. However, the governing body may decline to appoint any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the governing body; in addition to salary, he shall receive reimbursement for actual expenses necessary for him to properly perform his duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the school corporation.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-5

Attendance officers; certain counties; appointment in separate attendance districts

Sec. 5. Attendance Officers, Certain Counties; Appointment in Separate Attendance Districts. In a county which has not been completely reorganized under IC 1971, 20-4-1, the governing body of each school corporation which constitutes a separate attendance district under section 3 of this chapter shall appoint an attendance officer. One additional attendance officer may be appointed for every seven thousand five hundred (7,500) pupils in average daily attendance in the corporation.

When the governing body of a school corporation makes an appointment under this section, it shall appoint an individual nominated by the superintendent. However, the governing body may decline to appoint any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the governing body; in addition to salary, the officer shall receive reimbursement for actual expenses necessary for him to properly perform his duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the county in which the officer serves, on a warrant signed by the county auditor. The county council shall appropriate, and the board of commissioners shall allow, the funds necessary to make these payments. However, no warrant shall be issued to an attendance officer until he has filed an itemized statement with the county auditor. This statement shall show the time employed and expenses incurred; it shall be approved and certified correct by the superintendent.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-6

Attendance officers; appointment in remainder attendance districts

Sec. 6. Attendance Officers; Appointment in Remainder Attendance Districts. In a county which has not been completely reorganized under IC 1971, 20-4-1, all school corporations which do not individually constitute separate attendance districts under section 3 of this chapter shall together constitute a remainder attendance district. The governing

bodies of each remainder attendance district with fifteen hundred (1,500) or more pupils in average daily attendance shall appoint an attendance officer. One additional attendance officer may be appointed for every seven thousand five hundred (7,500) pupils in average daily attendance in the district. The governing bodies of a remainder attendance district with less than fifteen hundred (1,500) pupils in average daily attendance may appoint an attendance officer. If the governing bodies have discretion in whether or not to appoint an attendance officer and decline to make an appointment, the superintendent or superintendents involved shall serve as ex officio attendance officers under section 7 of this chapter.

The governing bodies of the school corporations involved shall together form an appointing authority for attendance officers with the governing body of each school corporation having one (1) vote. This appointing authority shall appoint an individual nominated by the superintendent. However, the appointing authority may reject any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the appointing authority; in addition to salary, the officer shall receive reimbursement for actual expenses necessary for him to properly perform his duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the county in which the officer serves, on a warrant signed by the county auditor. The county council shall appropriate, and the board of commissioners shall allow, the funds necessary to make these payments. However, no warrant shall be issued to an attendance officer until he has filed an itemized statement with the county auditor. This statement shall show the time employed and expenses incurred; it shall be approved and certified correct by the appropriate superintendent.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-6.1

Attendance officers in certain counties; appointment in separate attendance districts

Sec. 6.1. (a) This section applies to a county having a population of:

- (1) more than ; twenty-seven thousand (27,000) but less than twenty-seven thousand two hundred (27,200); or
- (2) more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).

(b) Notwithstanding sections 5 and 6 of this chapter, in a county that has not been completely reorganized under IC 20-4-1, the governing body of each school corporation constituting a separate attendance district under section 3 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) pupils in average daily attendance in the school corporation. The governing body of each school corporation that does not individually constitute a separate attendance district may appoint an attendance officer.

(c) If the governing body of the school corporation makes an appointment under this section, it shall appoint an individual who is nominated by the superintendent of the school corporation. However,

the governing body may decline to appoint a nominee and may require another nomination to be made by the superintendent. If the governing body has discretion in whether to appoint an attendance officer under subsection (b) and declines to make an appointment, the superintendent of the school corporation involved shall serve as ex officio attendance officer under section 7 of this chapter.

(d) The salary, including fringe benefits, of each attendance officer appointed under this section shall be fixed by the governing body of the school corporation and shall be paid by the treasurer of the school corporation.

(e) Each attendance officer appointed under this section is entitled to receive reimbursement from the school corporation for the actual and necessary expenses incurred by the attendance officer in the proper performance of the attendance officer's duties.

As added by P.L.203-1989, SEC.1. Amended by P.L.12-1992, SEC.113; P.L.170-2002, SEC.121.

IC 20-8.1-3-7

Ex officio attendance officers

Sec. 7. Ex Officio Attendance Officers. When the governing body of a school corporation elects not to appoint an attendance officer under section 4 of this chapter or when an appointing authority elects not to appoint an attendance officer under section 6 of this chapter, the superintendent shall serve as an ex officio attendance officer. A superintendent acting in this capacity may designate one (1) or more teachers as assistant attendance officers. These assistant attendance officers shall act under the superintendent's direction and perform the duties he assigns. Ex officio attendance officers and assistant attendance officers appointed under this section shall receive no additional compensation for performing attendance services.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-8

Joint employment of attendance officer

Sec. 8. Joint Employment of Attendance Officer. The governing bodies of two or more school corporations may enter into a voluntary mutual agreement for the joint employment of an attendance officer. The agreement shall stipulate the manner in which the joint attendance officer shall be appointed, paid and supervised. The attendance officer may then be appointed, paid and supervised under the terms of the agreement; however, compensation for any attendance officer employed under this section shall be paid entirely by the school corporations involved with no assistance from the civil government.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-9

Attendance officers; appointment in optional separate district

Sec. 9. Attendance Officer; Appointment in Optional Separate District. The governing body of a school corporation which has less than fifteen hundred (1,500) pupils in average daily attendance may organize the school corporation as a separate attendance district and

appoint an attendance officer. The governing body, in making the appointment, shall appoint an individual nominated by the superintendent; however, it may decline to appoint any nominee and require another nomination. All compensation for an attendance officer appointed under this section shall be paid by the treasurer of the school corporation in which he is employed.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-10

Attendance officers; appointment of additional officers

Sec. 10. Attendance Officers; Appointment of Additional Officers. Any school corporation, attendance district or remainder attendance district may appoint more attendance officers than are specifically authorized or required under any other section of this chapter. However, these additional attendance officers shall be appointed in the same manner as required by law for other attendance officers. Compensation for additional attendance officers appointed under this section shall be paid entirely by the school corporation or school corporations involved.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-11

Attendance officers; duties

Sec. 11. Every attendance officer shall have the following duties:

- (a) He shall serve subject to the rules, direction, and control of the superintendent in his attendance district.
- (b) He shall maintain an office at a place designated by the superintendent.
- (c) He shall be on duty during school hours and at such other times as the superintendent may request.
- (d) He shall keep records and make reports as required by the state board of education.
- (e) He shall visit the homes of children who are absent from school or who are reported to be in need of books, clothing, or parental care.
- (f) When the superintendent directs or approves it, he shall bring suit to enforce any provision of this chapter which is being violated.
- (g) He shall serve written notice on any parent whose child is out of school illegally.
- (h) He shall visit factories where children are employed.
- (i) He shall perform such other duties as are necessary for complete enforcement of this chapter.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.20-1984, SEC.87.

IC 20-8.1-3-12

Attendance officers; special powers

Sec. 12. Attendance Officers, Special Powers. (a) Each attendance officer is empowered to serve original and other process in cases arising under this chapter.

(b) Attendance officers are empowered and authorized to enter any place where children are employed to determine whether violations of this chapter or of chapter 4 have occurred. When an attendance officer or a school official is exercising the power granted under this subsection, any officer, manager, director, employee or other person who refuses to permit his entry into a place of business or interferes with his investigation in any way is guilty of a violation of this chapter. *(Formerly: Acts 1973, P.L.218, SEC.1.)*

IC 20-8.1-3-13

Attendance officers; licensing required; exception

Sec. 13. With the exception of ex officio attendance officers, no person may hold the position of attendance officer unless he has complied with all standards of the professional standards board and has been properly licensed by that body. *(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.20-1984, SEC.88; P.L.46-1992, SEC.18.*

IC 20-8.1-3-14

Attendance; powers of state board of education

Sec. 14. The state board of education shall exercise general supervision by resolution over the attendance system of the state. The state board of education may adopt rules pertaining to the state attendance system and the enforcement of this chapter in accordance with IC 4-22-2. With the exception of ex officio attendance officers, the state board of education may remove any local attendance officer. *(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.20-1984, SEC.89.*

IC 20-8.1-3-15

Attendance; duties of state superintendent of public instruction

Sec. 15. The state superintendent of public instruction shall:

- (a) prescribe duties for the state attendance officer not provided by law;
- (b) fix qualifications for local attendance officers;
- (c) design, and require use of, a system of attendance reports, records, and forms necessary for the enforcement of this chapter; and
- (d) perform all other duties necessary for the complete enforcement of this chapter.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.210-1983, SEC.1.

IC 20-8.1-3-16

State attendance officers; appointment; removal; duties; powers

Sec. 16. State Attendance Officer: Appointment; Removal; Duties; Powers. (a) The state Superintendent of public instruction shall appoint a state attendance officer. The state attendance officer shall serve at the pleasure of the state superintendent of public instruction and may be removed by him at any time.

- (b) The state attendance officer shall:

- (1) exercise general supervision over the attendance officers of the state;
 - (2) visit the various attendance districts throughout the state;
 - (3) inspect the work of the attendance officers; and
 - (4) investigate the manner in which this chapter is being enforced.
- (c) The state attendance officer is empowered to initiate court action whenever necessary for the enforcement of this chapter.
(Formerly: Acts 1973, P.L.218, SEC.1; Acts 1973, P.L.219, SEC.1.) As amended by Acts 1977, P.L.2, SEC.70.

IC 20-8.1-3-17

Compulsory attendance; exit interviews; withdrawal from school

Sec. 17. (a) Subject to the specific exceptions under this chapter, each individual shall attend either a public school which the individual is entitled to attend under IC 20-8.1-6.1 or some other school which is taught in the English language.

(b) An individual is bound by the requirements of this chapter from the earlier of the date on which the individual officially enrolls in a school or, except as provided in subsection (h), the beginning of the fall school term for the school year in which the individual becomes seven (7) years of age until the date on which the individual:

- (1) graduates;
 - (2) reaches at least sixteen (16) years of age but who is less than eighteen (18) years of age and the requirements under subsection (j) concerning an exit interview are met enabling the individual to withdraw from school before graduation; or
 - (3) reaches at least eighteen (18) years of age;
- whichever occurs first.

(c) An individual who:

- (1) enrolls in school before the fall school term for the school year in which the individual becomes seven (7) years of age; and
- (2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

- (1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana;
- or
- (2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

(e) In addition to the requirements of subsections (a) through (d), an individual must be at least five (5) years of age on July 1 of the 2001-2002 school year or any subsequent school year; to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (g), the governing body of the school corporation shall adopt a procedure affording a parent of an

individual who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent of the school corporation for enrollment of the individual in kindergarten at an age earlier than the age that is set forth in this subsection.

(f) In addition to the requirements of subsections (a) through (e), and subject to subsection (g), if an individual enrolls in school as permitted under subsection (b) and has not attended kindergarten, the superintendent of the school corporation shall make a determination as to whether the individual shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (g).

(g) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent of the school corporation under subsection (e).

(2) Establish criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(h) If the parents of an individual who would otherwise be subject to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

(1) enroll the individual in a nonaccredited, nonpublic school; or

(2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under section 34 of this chapter;

not later than the date on which the individual reaches seven (7) years of age, the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit interview must be personally attended by:

(1) the student's parent or guardian;

(2) the student;

(3) each designated appropriate school employee; and

(4) the student's principal.

(j) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

(1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and

(2) at the exit interview, the student provides written acknowledgment of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.

(k) For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(h).

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1976,

P.L.101, SEC.6; Acts 1980, P.L.147, SEC.1; P.L.210-1983, SEC.2; P.L.222-1987, SEC.1; P.L.121-1989, SEC.9; P.L.34-1991, SEC.23; P.L.1-1992, SEC.101; P.L.19-1992, SEC.16; P.L.1-1993, SEC.180; P.L.38-1993, SEC.14; P.L.291-2001, SEC.111.

IC 20-8.1-3-17.1

Enrollment documentation; notice to clearinghouse for information on missing children

Sec. 17.1. (a) Each public school shall and each private school may require a student who initially enrolls in the school after July 1, 1988, to provide:

- (1) the name and address of the school the student last attended, if any; and
- (2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) If the document described in subsection (a)(2):

- (1) is not provided to the school within thirty (30) days of the student's enrollment; or
- (2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children under IC 10-1-7 and determine if the child has been reported missing.

(c) If a student initially enrolls in a school after July 1, 1988, the school shall, within fourteen (14) days of enrollment, request the student's records from the last school the student attended, if any.

(d) A school in Indiana receiving a request for records shall promptly send the records to the requesting school. However, if a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

- (1) shall immediately notify the Indiana clearinghouse for information on missing children;
- (2) may not send the school records without the authorization of the clearinghouse; and
- (3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

As added by P.L.94-1988, SEC.5. Amended by P.L.12-1994, SEC.12; P.L.1-1997, SEC.101.

IC 20-8.1-3-17.2

Habitual truants ineligible for driver's license or learner's permit

Sec. 17.2. (a) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-8.1-5.1-7:

- (1) a definition of a student who is designated as a habitual truant;
- (2) the procedures under which subsection (b) will be administered; and
- (3) all other pertinent matters related to this action.

(b) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or learner's

permit, and subject to subsections (c) through (e), a person who is:

- (1) at least thirteen (13) years of age but less than fifteen (15) years of age;

- (2) a habitual truant under the definition of habitual truant established under subsection (a); and

- (3) identified in a list submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle or motorcycle under IC 9-24 until the person is at least eighteen (18) years of age.

(c) A person described in subsection (b) is entitled to the procedure described in IC 20-8.1-5.1-13.

(d) Each person described in subsection (b) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of that person's attendance record in school in order to determine whether the prohibition described in subsection (b) shall continue. In no event may the periodic reviews be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the person's attendance record has improved to the degree that the person may become eligible to be issued an operator's license or a learner's permit.

(f) Before February 1 and before October 1 of each year, the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning a person's ineligibility under subsection (b) to be issued the license or permit.

(g) The department of education shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (a).

As added by P.L.121-1989, SEC.10. Amended by P.L.2-1991, SEC.79; P.L.131-1995, SEC.9; P.L.132-1995, SEC.3.

IC 20-8.1-3-17.3

Nonpublic, nonaccredited, and nonapproved schools; curriculum or content requirements; student enrollment or participation

Sec. 17.3. (a) A school that is:

- (1) nonpublic;

- (2) nonaccredited; and

- (3) not otherwise approved by the Indiana state board of education;

is not bound by any requirements set forth in IC 20 or IC 21 with regard to curriculum or the content of educational programs offered by the school.

(b) This section may not be construed to prohibit a student who attends a school described in subsection (a) from enrolling in a particular educational program or participating in a particular educational initiative offered by an accredited public or nonpublic or a state board approved nonpublic school if:

- (1) the governing body or superintendent of the school corporation, in the case of the accredited public school; or

- (2) the administrative authority, in the case of the accredited or

state board approved nonpublic school;
approves the enrollment or participation by the student.
As added by P.L.19-1992, SEC.17.

IC 20-8.1-3-17.5

High school transcripts; required contents

Sec. 17.5. (a) A school corporation shall record or include in the official high school transcript for each student in high school the following information:

- (1) Attendance records.
- (2) The student's latest ISTEP test results under IC 20-10.1-16.
- (3) Any secondary level and postsecondary level certificates of achievement earned by the student.
- (4) Immunization information from the immunization record the student's school keeps under IC 20-8.1-7-9.

(b) A school corporation may include information on a student's high school transcript that is in addition to the requirements of subsection (a).

As added by P.L.19-1992, SEC.18. Amended by P.L.38-1993, SEC.15; P.L.340-1995, SEC.54; P.L.34-2000, SEC.1.

IC 20-8.1-3-18

Compulsory attendance; exceptions

Sec. 18. (a) Service as a page for or as an honoree of the Indiana general assembly constitutes a lawful excuse for a pupil to be absent from school. For each day of page service or as an honoree of the Indiana general assembly, verified by the certificate of the secretary of the senate or the chief clerk of the house of representatives, a student excused from school attendance under this subsection shall not be recorded as being absent on any date for which the excuse is operative, nor shall the student be penalized by the school in any manner. This section applies to all pupils, whether they attend public, private, or parochial schools.

(b) The governing body of each school corporation and the chief administrative official of each private secondary school system shall authorize the absence and excuse of each secondary school student who serves on the precinct election board or as a helper to a political candidate or to a political party on the date of each general, city or town, special, and primary election at which the student works. Prior to the date of the election, the student must submit a document signed by one (1) of the student's parents or guardians giving permission to participate in the election as provided in this section, and the student must verify to school authorities the performance of services by submitting a document signed by the candidate, political party chairman, campaign manager, or precinct officer. The document must describe generally the duties of the student on the date of the election. A student excused from school attendance under this subsection shall not be recorded as being absent on any date for which the excuse is operative, nor shall the student be penalized by the school in any manner.

(c) The governing body of each school corporation or the chief

administrative officer of each private school system shall authorize the absence and excuse of a student who is issued a subpoena to appear in court as a witness in a judicial proceeding. A student excused under this subsection shall not be recorded as being absent on any date for which the excuse is operative, nor shall the student be penalized by the school in any manner. The appropriate school authority may require that the student submit the subpoena to the appropriate school authority for verification.

(d) The governing body of each school corporation or the chief administrative officer of each private school system shall authorize the absence and excuse of each secondary school student who is ordered to active duty with the Indiana National Guard for not more than ten (10) days in a school year. For verification, the student must submit to school authorities a copy of the orders to active duty and a copy of the orders releasing the student from active duty. A student excused from school attendance under this subsection shall not be recorded as being absent on any date for which the excuse is operative, nor shall the student be penalized by the school in any manner.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1977, P.L.243, SEC.1; P.L.211-1983, SEC.1; P.L.197-1985, SEC.4; P.L.200-1995, SEC.1; P.L.146-1999, SEC.3.

IC 20-8.1-3-19

Compulsory attendance; exception; disability

Sec. 19. With the approval of the state board of education, a superintendent may exclude or excuse any child found mentally or physically unfit for school attendance. An exclusion or excuse under this section shall be valid only for the school year during which it is issued. A superintendent's action under this section shall be in accordance with limitations and regulations established by the state board of education concerning the procedures and requirements for the complete examination of children. No child shall be compelled to undergo any examination or treatment under this chapter when his parents object on religious grounds. A religious objection consists of a good faith reliance on spiritual means or prayer for healing. A religious objection will not be effective unless it is made in writing signed by the child's parent and delivered to the child's teacher or to the individual who might order an examination or treatment absent the objection. No child may be excluded under this section except as provided under IC 20-8.1-5.1.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.20-1984, SEC.90; P.L.2-1997, SEC.60.

IC 20-8.1-3-20

Parent to produce certificate of child's incapacity on demand

Sec. 20. Parent to Produce Certificate of Child's Incapacity on Demand. If a parent does not send his child to school because of the child's illness or mental or physical incapacity, it is unlawful for the parent to fail or refuse to produce a certificate of the incapacity for an attendance officer within six (6) days after it is demanded. The certificate required under this section shall be signed by an Indiana

physician or by an individual holding a license to practice osteopathy or chiropractic in this state or by a Christian Science practitioner who resides in Indiana and is listed in the Christian Science Journal.
(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-21

Repealed

(Repealed by Acts 1979, P.L.130, SEC.21.)

IC 20-8.1-3-22

Attendance; public school children; religious instruction

Sec. 22. Attendance, Public School Children, Religious Instruction. When the parent of a child who is enrolled in a public school makes a written request, the principal may permit the child to attend a school for religious instruction which is conducted by a church or an association of churches or by an association which is organized for religious instruction and incorporated under the laws of Indiana. If a principal grants permission for a child to attend a school for religious instruction, he shall specify a period or periods, not to exceed one hundred twenty (120) minutes in the aggregate in any week, for children to receive this instruction. Permission to attend a school for religious instruction shall be valid only for the year in which it is granted. Decisions made by a principal under this section may be reviewed by the superintendent of the school corporation.

A school for religious instruction which receives pupils under this section shall maintain attendance records and allow inspection of these records by attendance officers. A pupil who attends a school for religious instruction under this section shall receive the same attendance credit which he would receive for attendance in the public schools for the same length of time. A school for religious instruction shall not be supported, in whole or in part, by public funds.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-23

Attendance records

Sec. 23. (a) An accurate daily record of the attendance of each child who is subject to compulsory school attendance under section 17 of this chapter shall be kept by every public and private school.

(b) In a public school, the record shall be open at all times for inspection by attendance officers, school officials, and agents of the department of labor. Every teacher shall answer fully all lawful inquiries made by an attendance officer, school official, or agent of the department of labor.

(c) In a private school, the record shall be required to be kept solely to verify the enrollment and attendance of any particular child upon request of the state superintendent of public instruction or the superintendent of the school corporation in which the private school is located.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.210-1983, SEC.3; P.L.5-1988, SEC.105; P.L.34-1991, SEC.24.

IC 20-8.1-3-24

Attendance reports

Sec. 24. (a) Each principal and teacher in every public school that is attended by any children who are subject to the compulsory school attendance laws under section 17 of this chapter shall furnish, on request of the superintendent of the district in which they are employed, a list of names, addresses, and ages of all minors attending their school. When a pupil withdraws from school, they shall immediately report to the superintendent his name and address and the date of his withdrawal.

(b) Each principal or school administrator in every private school that is attended by any children who are subject to the compulsory school attendance laws under section 17 of this chapter shall furnish, on request of the state superintendent of public instruction, the number of children by grade level attending the school. When a pupil withdraws from school, and no public or other private school has requested the pupil's educational records within fifteen (15) school days after the date the pupil withdrew from school, then the private school shall report to the state superintendent of public instruction or the superintendent of the school corporation in which the private school is located, the name and address of the pupil and the date he withdrew from school.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.210-1983, SEC.4; P.L.34-1991, SEC.25.

IC 20-8.1-3-25

List of students no longer enrolled to be prepared by principal

Sec. 25. Within fifteen (15) school days after the beginning of each semester, the principal of every public high school shall send to the superintendent with jurisdiction over his school a list of names and last known addresses of all students not graduated and not enrolled in the then current semester who were otherwise eligible for enrollment. Each superintendent shall immediately make available all lists received under this section to an authorized representative of Ivy Tech State College and an authorized representative of an agency whose purpose it is to enroll high school drop-outs in various training programs.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.59-1988, SEC.2; P.L.5-1995, SEC.9.

IC 20-8.1-3-26

List of students no longer enrolled; use limited

Sec. 26. Each representative of Ivy Tech State College or agency identified in section 25 of this chapter who is authorized to receive a list prepared under section 25 of this chapter shall stipulate in writing that the list will be used only for purposes of contacting prospective students or prospective trainees. If a list is used for any other purpose, the college or agency which the recipient represents shall be ineligible to receive subsequent lists for a period of five (5) years.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.59-1988, SEC.3; P.L.5-1995, SEC.10.

IC 20-8.1-3-27

Repealed

(Repealed by Acts 1973, P.L.220, SEC.1.)

IC 20-8.1-3-28

Repealed

(Repealed by Acts 1979, P.L.209, SEC.7.)

IC 20-8.1-3-29

Powers of certain officers to take children into custody

Sec. 29. (a) Every school attendance officer, sheriff, marshal, and police officer in Indiana is empowered to take into custody any child who is required to attend school under this chapter and who is found during school hours, unless accompanied by a parent or guardian or unless accompanied, with the consent of a parent, foster parent, or guardian, by a relative by blood or marriage who is at least eighteen (18) years of age, in a public place, in any public or private conveyance, or in any place of business open to the public.

(b) When an officer takes a child into custody under this section, he shall immediately deliver the child to the principal of the public, private, or parochial school in which the child is enrolled. If a child is not enrolled in any school, then the officer shall deliver him into the custody of the principal of the public school in the attendance area in which the child resides. If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child. The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

(Formerly: Acts 1973, P.L.218, SEC.1; Acts 1973, P.L.222, SEC.2.) As amended by P.L.131-1983, SEC.4.

IC 20-8.1-3-30

Principal; duties when truant child received

Sec. 30. Principal; Duties When Truant Child Received. When a child is delivered into the custody of a principal or acting chief administrative officer under section 29 of this chapter, he shall immediately place the child in class in the grade or course of study in which the child is enrolled or to which he is properly assignable. A child who is placed in class under this section shall not be kept at school beyond the regular hour of dismissal on that day for the grade or course of study in which the child is placed. As promptly as is reasonably possible after placing a child in class under this section, the principal or acting chief administrative officer shall attempt to advise the child's parents of the facts of the case by telephone. In any event, the principal or acting chief administrative officer shall advise the parents of the facts of the case by mail on the same day he receives the child.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-31

Repealed

(Repealed by Acts 1978, P.L.136, SEC.57.)

IC 20-8.1-3-31.1

Report to juvenile court intake officer; habitual absence from school

Sec. 31.1. The superintendent or an attendance officer having jurisdiction may report a child who habitually absents himself from school in violation of this chapter to an intake officer of the juvenile court. The intake officer shall proceed in accord with IC 31-30 through IC 31-40.

As added by Acts 1978, P.L.136, SEC.27. Amended by P.L.1-1997, SEC.102.

IC 20-8.1-3-32

Enforcement of chapter

Sec. 32. Enforcement of Chapter. It is the duty of each superintendent, attendance officer and state attendance official to enforce the provisions of this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. This duty is several and the failure of one (1) or more to act shall not excuse any other official from his obligation to enforce this chapter. Affidavits against parents for violations of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses. Affidavits under this section shall be filed in the circuit court of the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-3-33

Compulsory attendance; parent's responsibility

Sec. 33. Compulsory Attendance; Parent's Responsibility. (a) It is unlawful for a parent to fail to ensure that his child attends school as required under this chapter.

(b) Before proceedings are instituted against a parent for a violation of this section, personal notice of the violation shall be served on the parent by the superintendent having jurisdiction over the public school or his designee, where the child has legal settlement or the superintendent of the transferee corporation, or his designee, if the child has been transferred. Personal notice must consist of and take place at the time of the occurrence of one of the following events: (1) the date of personal delivery of notice; (2) the date of receipt of the notice sent by certified mail; or (3) the date of leaving notice at the last and usual place of the residence of the parents. If the violation is not terminated within one (1) school day after this notice is given, or if another violation is committed during the notice period, no further notice is necessary, and each day of violation constitutes a separate offense.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1976,

P.L.101, SEC.7; Acts 1978, P.L.2, SEC.2003.

IC 20-8.1-3-34

Compulsory attendance for full term; duty of parent

Sec. 34. Compulsory Attendance for Full Term; Duty of Parent. It is unlawful for a parent to fail, neglect or refuse to send his child to a public school for the full term as required under this chapter unless the child is being provided with instruction equivalent to that given in the public schools. This section does not apply during any period when the child is excused from attendance under this chapter.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2004; Acts 1979, P.L.87, SEC.7.

IC 20-8.1-3-35

Repealed

(Repealed by Acts 1978, P.L.2, SEC.2013.)

IC 20-8.1-3-36

Children in certain institutions or facilities; compulsory school attendance; reimbursement for space used within facilities for court placed student expenses

Sec. 36. (a) It is unlawful for a person operating or responsible for an educational, correctional, charitable, or benevolent institution or training school to fail to ensure that a child under his authority attends school as required under this chapter. Each day of violation of this section constitutes a separate offense.

(b) If a child is placed in an institution or facility under a court order, the institution or facility shall charge the county office of the county of the student's legal settlement under IC 12-19-7 for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2005; P.L.36-1994, SEC.28.

IC 20-8.1-3-37

Penalty

Sec. 37. Penalty. A person who knowingly violates this chapter commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2006.